

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAY 01 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

MM Docket No. 99-153

READING BROADCASTING, INC.

File No. BRCT-94040741

For Renewal of License of Station
WTVE(TV), Channel 51,
Reading, Pennsylvania

DOCKET FILE COPY ORIGINAL

MAY 01 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

and

ADAMS COMMUNICATIONS
CORPORATION

File No. BPCT-940630KG

For Construction Permit for a
New Television Station On
Channel 51, Reading, Pennsylvania

To: Administrative Law Judge Richard L. Sippel

**READING BROADCASTING, INC.'S MOTION
TO STAY THE CLOSE OF DISCOVERY AND
TO AMEND THE SCHEDULING ORDER**

Reading Broadcasting, Inc. ("RBI"), by its counsel, hereby respectfully requests that the close of discovery set forth in the Commission's Order (FCC 00M-28, released April 5, 2000) (the "Scheduling Order") be stayed and that the Scheduling Order be amended accordingly. For the reasons set forth below, RBI respectfully requests that this Motion be granted.

INTRODUCTION

On April 5, 2000, the Commission released the Scheduling Order (FCC 00M-28) setting procedural and hearing dates for Rebuttal, Phase II and Phase III. Notably, the Order established May 5, 2000, as the close of discovery.

No. of Copies rec'd
List ABCDE

076

On April 3, 2000, RBI with the concurrence of the Enforcement Bureau, served Adams with Interrogatories and Requests for Production of Documents. The overall purpose of this discovery was to obtain evidence related to the added abuse of process issue.

In accordance with the Scheduling Order, Adams' responses to the abuse of process discovery were due on April 14, 2000. At Adam's request, RBI agreed to extent the time for Adams' response and, subsequently, on April 19, 2000, Adams served its Answers and Objections to the Interrogatories and produced documents responsive to some of the Requests. A number of Adams' responses were, however, incomplete. In addition, with respect to certain key Interrogatories and document requests, Adams interposed an objection in lieu of a response.

As a result of Adams' incomplete responses to the discovery, on April 26, 2000, RBI, with the Enforcement Bureau's concurrence, filed a Motion to Compel complete answers from Adams. That Motion is pending.

ARGUMENT

RBI had hoped, and still hopes, to conduct its discovery relating to the abuse of process issue in an orderly and systematic manner. Thus, for example, to avoid the need for multiple notices of deposition and Requests for Issuance of Subpoenas, RBI has awaited Adams' Answers to Interrogatories and document requests prior to undertaking depositions relating to the abuse of process issue.

Because Adams' responses to RBI's discovery were incomplete with respect to a number of critical matters, however, RBI has been prejudiced in its ability to

timely ascertain the identities and locations of knowledgeable witnesses. Moreover, undertaking depositions prior to receiving full and complete document production from Adams would likely necessitate adjourning the depositions subject to recalling the witnesses once Adams provides complete document production. Since these depositions will entail significant expense to the parties (including travel to Chicago, Reading, and Miami), such a course of action is clearly undesirable.

Upon receipt of complete answers to RBI's Interrogatories and Requests for Production of Documents (or upon receipt of an Order denying the pending Motion to Compel), RBI anticipates taking the following depositions:

Adams principals:

1. Elinor Woron
2. Wayne Fickinger
3. Howard N. Gilbert

Third Party Witnesses (subject to the issuance of the appropriate subpoenas):

1. Paul Sherwood
79 Nutt Rd.
Phoenixville, Pennsylvania
2. Garrison Cavell
Mertz Davis Cavell
10300 Eaton Place
Fairfax, Virginia
3. John Q. McKinnon
American National Bank & Trust Co. of Chicago, Illinois
120 S. La Salle St.
Fifth Floor
Chicago, IL 60603

4. Corporate Designee – Records Custodian
American National Bank & Trust Co. of Chicago, Illinois
120 S. La Salle St.
Fifth Floor
Chicago, IL 60603
5. Corporate Designee – Records Custodian
Telemundo Network Group, Inc.
2470 West 8th Ave.
Hialeah, Florida
6. Anne Swanson, Esq.
Dow Lohnes & Albertson, PLLC
1200 New Hampshire Ave., N.W.
Suite 800
Washington, DC 20036
7. Corporate Designee – Records Custodian
Conestoga Telephone and Telegraph Co.
202 E. First St.
Birdsboro, PA 19508

RBI hopes that it can complete these depositions within two weeks of receiving from Adams complete answers to RBI's Interrogatories and Requests for Production of Documents (or an Order denying the pending Motion to Compel).

Accordingly, to accommodate the orderly and systematic discovery relating to the abuse of process issue and, thereby, minimize the potential costs and expenses for the parties, RBI respectfully requests that the close of discovery be stayed pending resolution of the pending Motion to Compel and that, thereafter, the close of discovery be rescheduled for a date two weeks after either: (1) the date Adams provides complete answers to RBI's Interrogatories and Requests for Production of Documents or (2) the date that the Commission denies the pending Motion to

Compel. RBI suggests that all other dates scheduled in the Scheduling Order may remain in effect.

CONCLUSION

For the foregoing reasons, RBI respectfully requests that this Motion be granted.

Respectfully submitted,

READING BROADCASTING, INC.

May 1, 2000

By: Thomas J. Hutton
Thomas J. Hutton
C. Dennis Southard IV
Its Attorneys

Holland & Knight LLP
2100 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20037-3202

CERTIFICATE OF SERVICE

I, Myra Powe, a secretary in the law firm of Holland & Knight LLP do hereby certify that a copy of the foregoing Motion to Stay the Close of Discovery and Amend Scheduling Order was served, this 1st day of May 1999, via hand delivery, to the following:

The Hon. Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

James Shook, Esq.
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Gene A. Bechtel, Esq.
Harry F. Cole, Esq.
Bechtel & Cole, Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
Counsel for Adams Communications Corporation


Myra F. Powe